

COUNTY OF YORK

MEMORANDUM

DATE: August 8, 2000 (BOS Mtg. 8/15/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Application No. ZM-46-00, C. W. Optics, Inc.

ISSUE

Application No ZM-46-00 requests amendment of the York County Zoning Map to reclassify 1.37 acres of land located at 905 Seaford Road (Route 622) from RR – Rural Residential to IL – Limited Industrial subject to conditions voluntarily proffered by the property owner. The parcel is further identified as Assessor's Parcel No. 25-323A.

DESCRIPTION

- Property Owner: Bell Atlantic-Virginia, Inc.
- Location: 905 Seaford Road (Route 622)
- Area: 1.37 acres
- Frontage: 165 feet along Seaford Road
- Utilities: Public water and sewer service are available to the property
- Topography: Mostly flat
- 2010 Land Use Map Designation: Low density residential
- Zoning Classification: RR - Rural Residential
- Existing Development: Bell Atlantic-Virginia, Inc. telephone switch building (5,190 square feet)
- Surrounding Development:
 - North: Undeveloped property
 - East: Vacant; single-family housing and Seaford Elementary School beyond
 - South: Seaford Road; single-family housing beyond
 - West: Wooded acreage
- Proposed Development: Office and Laboratory

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting amendment of the Zoning Map to permit the establishment of an office and research laboratory in Bell Atlantic-Virginia's former telephone switching station located at 905 Seaford Road. The Comprehensive Plan designates this area as Low Density Single-Family Residential; accordingly, the parcel is zoned RR – Rural Residential. The area had been designated for Limited Industrial (IL) use in the 1983 Land Use Plan but was changed to low-density single-family residential after considerable discussion during preparation of the 1991 Comprehensive Plan. Bell Atlantic discontinued use of the switching station in 1995 and removed all equipment from the building. Since then, the building has remained unoccupied. Bell Atlantic sought to rezone the property to IL (conditional) in 1996, motivated by a belief that an industrial zoning designation would improve the marketability of the vacant building. The County maintained its position that an industrial zoning designation on this parcel would not be appropriate for this corridor and Bell Atlantic's request was denied. The Board of Supervisors, at its June 17, 1998 meeting, approved a special use permit request for a child care center in the same building; unfortunately, the day care center was never established and the building has remained vacant.
2. The applicant, C.W. Optics, Inc., is a small company that conducts optical research in cooperation with larger medical facilities. There are only two employees and no retail sales will be conducted on the premises; accordingly, the existing nine-space parking lot will be sufficient for their current needs and thus will not need to be expanded. Should the applicant ever need additional parking or decide to sell the building, the parking regulations in the Zoning Ordinance will ensure that adequate off-street parking is established. Any renovations to the building's exterior or interior will be regulated by the restrictions set forth in the Zoning Ordinance.
3. The industrial features of the existing building (including small windows and solid concrete construction) have created a land use dilemma: a non-residential structure located along a residential corridor. It is unlikely that this building will ever be converted into a single-family residence. Other than allowing it to remain vacant for the foreseeable future, Bell Atlantic will either have to raze the building or find an alternate use for it. When Bell Atlantic applied for a rezoning in 1996, it submitted a proffer statement that prohibited *some* of the uses permitted as a matter of right in the Limited Industrial district. Staff noted that many of the remaining industrial uses would not be in character with the predominantly residential nature of the corridor and suggested a number of other, more acceptable, uses permitted as a matter of right in the RR district, continued to make RR a viable zoning classification. These uses include:
 - Plant nursery
 - Pre-school, child care
 - Place of worship
 - Meeting hall
 - Nursing home
 - Library

When the current applicant first discussed the possibility of using the building as a laboratory, staff felt that a conditional rezoning to IL excluding all uses other than offices and laboratories would be more restrictive than the alternative: requesting a rezoning to GB – General Business and applying for a use permit for the laboratory. Though an IL designation is in contradiction with the *letter* of the Comprehensive Plan, the restrictive proffers are in concert with the *spirit* of the Plan by protecting the adjacent residential areas. Because offices do not generate a large

volume of traffic and typically operate during normal business hours, the impact on adjacent areas will be less than what would have been created by the approved 65-child day care center or any of the above-referenced uses permitted as a matter of right in the RR district

PLANNING COMMISSION ACTION

The Planning Commission considered this application at its July 12 meeting and conducted a public hearing at which the only citizen to speak was the applicant. The Commission voted unanimously (6:0, White absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I believe that the applicant's request represents an opportunity for the County to permit the adaptive re-use of a long-vacant industrial building in a manner that is compatible with nearby residential development. The proffers submitted by the property owner will ensure that the remaining available uses are those that have the least potential to create negative impacts on the adjacent residential areas and roadways. Therefore, based on the above considerations and conclusions, I recommend that this application be approved with the adoption of Ordinance No. 00-16.

RAB

Attachments

- Excerpts from unapproved Planning Commission minutes, 7/12/00
- Zoning Map
- Narrative Statement
- ArcView Map of Surrounding Property
- Memorandum, James W. Noel, Jr., Executive Director, IDA, to Adam Kinsman, 6/26/00
- Proposed Ordinance No. 00-16